IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 4124 of 2005

Between:

K. Vinayaka Moorthy, S/o K. Nagabhushanam,
Thambuganipalle Village, Bangarupalem Mandal,
Chittoor District - 517 416.

..... PETITIONER

AND

1 The Scientific Advisor, Ministry of Defence &
The Director General Research & Development,
DRDO HQTRS, Sena Bhavan, New Delhi.
2 The Director of Personal, DRDO, HQTRS 'B" Wing,
Sena Bhavan, New Delhi - 110 011.
3 Center for Artificial Intelligence & Robotics Defence Research & Development Organization,
rep. by its Director, Government of India,
Ministry of Defence, Raj Bhavan Circle,
High Grounds, Bangalore - 560 001.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of "Writ of Mandamus" to declare the order dt,. 28-1-2005 made in O.A.No. 21 of 2005 on the file of the court of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad is illegal, unjust, arbitrary and accordingly set aside the same and to further declare the impugned action of the respondents in not accepting the withdrawal of resignation of the petitioner as illegal, arbitrary, unjust, malafide, unconstitutional and contrary to law and consequently directing the respondents to accept the withdrawal of resignation and to restore the petitioner on duty in the respondents-Organization and to pass such other and further orders that may be deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.V.MUNI REDDY

Counsel for the Respondents: MR.KOTI REDDY IDAMAKANTI (SC for Central Government)

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed challenging the order, dated 28.01.2005, passed by the Central Administrative Tribunal, Hyderabad Bench, in O.A.No.21 of 2005.

2. The petitioner was appointed as Scientist-B in 1990. However, he resigned the said post by a letter, dated 13.01.2001. Thereafter, he filed an application on 27.11.2001 to withdraw the resignation letter. Ultimately, the authorities vide letter, dated 15.02.2002, did not accept the withdrawal of resignation. Aggrieved by the same, the petitioner filed O.A.No.21 of 2005 challenging the order of the authorities in refusing to permit the petitioner to withdraw the resignation letter.

3. The learned Tribunal holding that the petitioner had already intimated through a letter, dated 13.01.2001, about the acceptance of his resignation, rejected the O.A., against which the present writ petition has been filed.

4. Learned counsel for the petitioner submits that in a fit of emotion and also to look after his ailing mother, the petitioner resigned the post, but having realized his mistake he again made a representation to the authorities to relax the conditions and to reinstate him into service. Therefore, he seeks appropriate directions.

5. We have heard learned counsel for the petitioner and also the learned standing counsel for the Central Government.

6. However, we are not inclined to interfere with the order passed by the authorities, but since the petitioner has already made a representation to the President of India bringing the various grounds including the humanitarian ground, we leave it open to the authorities to dispose of the representation, if not already disposed of, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above observation, the Writ Petition is disposed of. No costs.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 21.03.2005

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To

1 The Scientific Advisor, Ministry of Defence &
The Director General Research & Development,
DRDO HQTRS, Sena Bhavan, New Delhi.
2 The Director of Personal, DRDO, HQTRS 'B" Wing,
Sena Bhavan, New Delhi - 110 011.
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